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CHRISTOPHER FIRLE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER FIRLE,

Defendant.

No. 2:21-cr-00043-JAM

**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE CRIMINAL HISTORY  
REDUCTION CASE

Judge: The Honorable JOHN A. MENDEZ

Defendant, CHRISTOPHER FIRLE, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Shelley D. Weger, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), after taking into account the policy statements set forth in USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable;

2. The United States Sentencing Commission recently amended the Sentencing Guidelines to include what now appears in USSG § 4C1.1 (“zero-point provision”). *See* Amendment 821, Part B, Subpart 1. The zero-point provision provides a 2-offense-level

1 reduction for certain offenders who present zero criminal history points and satisfy the criteria  
2 listed in USSG § 4C1.1(a). The United States Sentencing Commission made the zero-point  
3 provision retroactive beginning February 1, 2024. *See* USSG § 1B1.10(e)(2) (Nov. 1, 2023); 88  
4 Fed. Reg. 60534;

5 3. On March 14, 2023, this Court sentenced Mr. Firle to 41 months imprisonment;

6 4. Mr. Firle's total offense level was 22, his criminal history category was I, and the  
7 resulting guideline range was 41 to 51 months;

8 5. The sentencing range applicable to Mr. Firle was subsequently lowered by the  
9 zero-point provision;

10 6. Mr. Firle is eligible for a reduction in sentence, which reduces his total offense  
11 level by 2 from 22 to 20, resulting in an amended advisory guideline range of 33 to 41 months;

12 7. Accordingly, the parties request the Court enter the order lodged herewith  
13 reducing Mr. Firle's term of imprisonment to 33 months, effective February 1, 2024.

14 Respectfully submitted,

15 Dated: January 23, 2024

Dated: January 23, 2024

16 PHILLIP A. TALBERT  
17 United States Attorney

HEATHER E. WILLIAMS  
Federal Defender

18 /s/ Shelley D. Weger  
19 SHELLEY D. WEGER  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

20 Attorney for Plaintiff  
21 UNITED STATES OF AMERICA

Attorney for Defendant  
CHRISTOPHER FIRLE

**ORDER**

This matter came before the Court on the stipulated motion of the parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Firle is entitled to the benefit of Amendment 821, Part B, Subpart 1, the new zero-point provision, which reduces the total offense level from 22 to 20, resulting in an amended guideline range of 33 to 41 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in March 2023 is **REDUCED to 33 months, effective February 1, 2024.**

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

The pro se motion filed December 15, 2023, ECF 45, is hereby **DISMISSED as MOOT.**

Unless otherwise ordered, Mr. Firle shall report to the United States Probation Office within seventy-two hours after his release.

Dated: January 26, 2024

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE